

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT
EASTERN DIVISION**

STEVEN V. STENGER, *et al.*,)
vs.)
Plaintiffs,)
vs.) Cause No. 4:11-CV-02230
RICHARD H. KELLETT, *et al.*,)
Defendants.)

MOTION FOR EXPEDITED TRIAL SETTING

Plaintiffs, by and through their undersigned counsel, hereby move for an expedited trial setting in the above-captioned matter. In support of their Motion, Plaintiffs state as follows:

1. Plaintiffs' Complaint seeks a declaratory judgment concerning the district boundaries of the St. Louis County, Missouri, County Council (the "Districts").
2. The St. Louis County, Missouri, Charter provides for appointment of the St. Louis County Council Reapportionment Commission (the "Reapportionment Commission") every 10 years for the purpose of adopting a plan for reapportionment of the Districts based upon the most recent census. St. Louis County Charter, § 2.035.
3. Upon information and belief, St. Louis County Executive Charles Dooley ("Dooley") appointed the Reapportionment Commission no later than June 2011.
4. Upon information and belief, the Reapportionment Commission's term expired no later than December 20, 2011.

5. To date, in violation of the St. Louis County Charter, the Reapportionment Commission has failed to adopt or file a plan to reapportion the boundaries of the Districts based upon the 2010 census.

6. The St. Louis County Charter does not provide for an extension or reconvention of the Reapportionment Commission, nor does it provide for any other mechanism to reapportion the Districts. *See St. Louis County Charter, § 2.035.*

7. Upon information and belief, the current District boundaries violate Plaintiffs' rights guaranteed by the Constitution of the United States and the Missouri Constitution, as more fully set forth in Plaintiffs' Complaint, which Plaintiffs hereby incorporate by reference.

8. Declarations of candidacy for a seat on the St. Louis County Council must be filed during the timeframe beginning Tuesday, February 28, 2012 and ending Tuesday, March 27, 2012. *See Mo. Rev. Stat. § 115.127.5 (2011).*

9. Because the current Districts violate the federal and state constitutions and must be redrawn, justice requires that the District boundaries be reapportioned prior to the filing of any declarations of candidacy.

10. Given the impending deadline for declarations of candidacy, Plaintiffs respectfully request that the trial on this matter be set on an expedited basis in order that this dispute may be resolved prior to February 28, 2012, and thereby preserve Plaintiffs' rights as afforded under the United State Constitution and Missouri Constitution. *See Fed. R. Civ. P. 16.*

WHEREFORE Plaintiffs move the Court to expedite the trial setting in this matter and for such other relief as the Court finds just and proper.

Respectfully submitted,

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